



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

4

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,701	02/23/2004	Chin-Sung Tsai	P-3641.275	1326
7590	04/19/2005		EXAMINER	
Jackson Walker L.L.P. Suite 2100 112 E. Pecan Street San Antonio, TX 78205			BURCH, MELODY M	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/784,701	TSAI, CHIN-SUNG
Examiner	Art Unit	
Melody M. Burch	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 28 March 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-6 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-6 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 23 February 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. _____.
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation of each first nut being "immovable relative to the two resilient elements" as recited in claims 3 and 4 and the limitation of the second nuts being "movable relative to the two resilient elements" as recited in claims 5 and 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Please see the 112 rejections of claims 5 and 6 for clarification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 6 is objected to because of the following informalities: in line 2 of claim 6 the phrase "tworesilient" should be changed to --two resilient--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claims 3 and 4. The phrase "each first nut of the two resilient elements is immovable relative to the two resilient elements" first recited in line 5 of claim 3 is indefinite since it is incorrect with regards to the movement relative to one of the resilient elements. As shown in figure 3, for example, when first nut 41 is moved due to compression and expansion of resilient element 4, the first nut is 41 movable relative to the resilient element 3.

Re: claims 5 and 6. The phrase "a second nut firmly connected to a second end of each of the resilient elements movable relative to the two resilient elements" is indefinite since the second nuts are described as being fixed. See pg. 3 line 15.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 2253557 to Collins.

Re: claim 1. Collins shows in figure 2 a shock absorber (a device that absorbs shock by virtue of the presence of the springs) capable of being used for a bicycle front fork, the shock absorber comprising: a bolt 52,62, a driving rod shown to the left of element 62 extending into and securely received in an open end of the bolt, two resilient elements 59,60 movably mounted around the bolt, and a knob 61 securely engaged with a free end of the driving rod to drive the driving rod and the bolt to rotate such that the two resilient elements are extended or compressed on the bolt in opposite directions.

Re: claim 2. Collins shows in figure 2 the limitation wherein the bolt has a flange 42a formed on a mediate portion of the bolt, a first screw shown in the area of element 53 and a second screw shown in the area of element 54 both formed on an outer periphery of the bolt, a rotational direction of the first screw (particularly, a clockwise rotational direction of the first screw) is opposite to a rotational direction of the second screw (particularly, a counterclockwise rotational direction of the second screw).

Re: claims 3 and 4. Collins shows in figure 2 the limitation wherein each of the two resilient elements is equipped with a first nut 53, 54 firmly connected to a first end of each of the resilient elements and threadingly and movably mounted on the bolt so that the two resilient elements are able to extend or compress in opposite directions as the knob is rotated, the first nuts are immovable relative to the two resilient elements, as best understood.

Re: claims 5 and 6. Collins shows in figure 2 the limitation wherein each of the two resilient elements is equipped with a second nut shown to the right of element 57 firmly connected to a second end of each of the resilient elements (by way of the firm connection of the nut to elements 55 and 57 which are in turn connected the second ends of the resilient elements via intervening elements, as broadly claimed, and as best understood) and immovable relative to the two resilient elements (after being tightened into its static position) so that the two resilient elements are able to extend or compress in opposite directions as the knob is rotated.

Response to Arguments

7. Applicant's arguments filed 3/28/05 have been fully considered but they are not persuasive.

Applicant argues that the device of the '557 patent is not a shock absorber. Examiner maintains that the device includes shock absorbing capabilities by virtue of some of the components being supported by springs.

Applicant argues that the operational pattern of the '557 patent is not the same as that of the instant invention. The claim recites that a knob is drives a driving rod and

a bolt to rotate such that two resilient elements are simultaneously extended or compressed on the bolt in opposite directions. Examiner notes that the knob 61 in the '557 patent drives a driving rod and a bolt 52,62 to rotate such that two resilient elements 59,60 are simultaneously extended or compressed on the bolt in opposite directions particularly resilient element 59 is extended and 60 is compressed in one direction (opposite from a second direction) and resilient element 59 is compressed and 60 is extended in a second direction (opposite from the first direction), as broadly claimed.

Accordingly, the rejections have been maintained.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mmB 4/13/05
mmB
April 13, 2005


4/14/2005
MATTHEW C. GRAHAM
PRIMARY EXAMINER
GROUP 310